

**McConathy, Evelyn H.**

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**From:** bclassen21212@comcast.net  
**Sent:** Tuesday, March 10, 2009 7:24 AM  
**To:** McConathy, Evelyn H.  
**Subject:** Hold the RCE, please confirm.

Please hold off on filing the RCE. I may try to go through with the appeal.

Please do not spend time reviewing the re-exam. I will evaluate and get back to you.

I need to cut costs and have to decide where to do this.

Lets hope the enxt re-exam comes back our way.

Please confirm on the RCE.

----- Original Message -----

**From:** "Evelyn H. McConathy" <EMcConathy@mmwr.com>  
**To:** bclassen21212@comcast.net  
**Cc:** "James L. Gannon" <JGannon@mmwr.com>  
**Sent:** Monday, March 9, 2009 1:11:36 AM GMT -05:00 US/Canada Eastern  
**Subject:** RE: The appeal

Bart:

I haven't forgotten about the Declaration in this case. One of the reasons for the Appeal in the first place was to slow down the prosecution in the hope that the laws would change. We technically haven't stopped the Appeal - the PTO is just very slow. So there is no due date. But once I file the Request for Continued Examination (RCE), to move the case back into prosecution, the Office Actions will start again, so I have not been in a rush. But I will try to get his done soon because I don't want you worried.

Getting the Action in the Reexam diverted my attention, and I apologize for this delayed answer to your message on Wednesday about the Appeal.

Evelyn

-----Original Message-----

**From:** bclassen21212@comcast.net [mailto:bclassen21212@comcast.net]  
**Sent:** Wednesday, March 04, 2009 9:56 AM  
**To:** McConathy, Evelyn H.  
**Subject:** The appeal

I have not heard back from you recently on the "apeal" that we stopped so that we could get an declaration on file.

I don't know what the next step is. Please keep me informed.

I don't need a long answer but I get nervous when I have not heard a schedule date on what we need to do next.

Bart Classen

**EXHIBIT M**

9/14/2010